

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 12/22/17

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UNITED STATES OF AMERICA :

v. :

REZA ZARRAB,
a/k/a "Riza Sarraf," and
MEHMET HAKAN ATILLA,

Defendants. :

PROTECTIVE ORDER WITH
RESPECT TO CERTAIN
DISCOVERY

S4 15 Cr. 867 (RMB)

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RICHARD M. BERMAN, District Judge:

This matter came before the Court on the Government's motions ("Government Motions"), exhibits, and the declarations of various Government officials (collectively, the "Government Submission"). The Government Motions were filed *ex parte*, *in camera*, and through the Court Security Officer, on January 20, 2017, and November 2, 2017.

1. The Government Submission sought a protective order, pursuant to Section 4 of the Classified Information Procedures Act ("CIPA") and Rule 16(d)(1) of the Federal Rules of Criminal Procedure, regarding disclosure of certain information. After *ex parte*, *in camera* **on several occasions,** consideration of the Government's Submission, this Court finds that the Government's Submission contains and describes classified information that requires protection against unauthorized disclosure. That information is described with particularity in the Government Submission. **RMB**

Classified Information-1

2. Disclosure of the "Classified Information-1," as that term is defined in the Government Submission, to the defense or to the public reasonably could be expected to cause serious, or in some cases exceptionally grave, damage to the national security.

3. Classified Information-1 is not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and Classified Information-1 is not “relevant and helpful” to the preparation of the defense as required under *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008).

Classified Information-2

4. Disclosure of the “Classified Information-2,” as that term is defined in the Government Submission, to the defense or to the public reasonably could be expected to cause serious, or in some cases exceptionally grave, damage to the national security.

5. Classified Information-2 is not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and Classified Information-2 is not “relevant and helpful” to the preparation of the defense as required under *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008).

Classified Information-3

6. Disclosure of the “Classified Information-3,” as that term is defined in the Government Submission, to the defense or to the public reasonably could be expected to cause serious, or in some cases exceptionally grave, damage to the national security.

7. Classified Information-3 is not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and Classified Information-3 is not “relevant and helpful” to the preparation of the defense as required under *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008).

Classified Information-4

8. Disclosure of the “Classified Information-4,” as that term is defined in the Government Submission, to the defense or to the public reasonably could be expected to cause serious, or in some cases exceptionally grave, damage to the national security.

9. Classified Information-4 is not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and Classified Information-4 is not “relevant and helpful” to the preparation of the defense as required under *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008).

Classified Information-5

10. Disclosure of the "Classified Information-5," as that term is defined in the Government Submission, to the defense or to the public reasonably could be expected to cause serious, or in some cases exceptionally grave, damage to the national security.

11. Classified Information-5 is not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and Classified Information-5 is not "relevant and helpful" to the preparation of the defense as required under *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008).

Accordingly, it is:

ORDERED that the Government Motions are granted, such Classified Information-1, Classified Information-2, Classified Information-3, Classified Information-4, and Classified Information-5, as defined in the Government Submission and described herein, ~~does~~ ^{did} not need to be disclosed to the defense; and it is further

RMB

ORDERED that the Government Submission is hereby sealed, and shall remain preserved in the custody of the Classified Information Security Officer, in accordance with established court security procedures, until further order of this Court.

SO ORDERED in Chambers this 21st day of December, 2017.

RMB

THE HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE